

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

--	--	--	--	--	--	--	--	--	--

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2016 / 2017

PLC0015 – INTRODUCTION TO COMMERCIAL LAW (All Sections / Groups)

26 MAY 2017
9.00 a.m. – 11.00 a.m.
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of **FOUR (4)** printed pages excluding the cover page.
2. Answer **ALL** questions.
3. Answers for Section A, Section B and Section C should be written in the Answer Booklet.

SECTION A: TRUE/FALSE QUESTIONS [30 MARKS]

Instruction: Answer ALL questions. Write your answer in the answer booklet provided. Write “T” for the TRUE statement and “F” for the false statement.

1. Each state in Malaysia has its own constitution EXCEPT Malacca and Penang.
2. A judge is subjected to the rule of “*stare decisis*” which mean ‘to uphold justice’.
3. The Employment (Retrenchment) Notification 2004 is an example of subsidiary legislation.
4. The Sessions Court can only hear matters involving motor vehicle accidents where the amount claim as compensation is less than RM1,000,000-00.
5. Kid refused to pay his RM35,000-00 debt to Conan. Hence, Conan instructed his lawyer to file an application to declare Kid as a bankrupt. The High Court has a jurisdiction to hear this case.
6. Decisions of the Court of Appeal binds the Federal Court.
7. Draco Malfoy lost his case against Harry Potter at the Magistrates Court. Dissatisfied with the decision of the Magistrate, Draco wishes to appeal. He should appeal to the Court of Appeal.
8. Criminal law deals with offences whereas civil law deals with liability.
9. A criminal act may causes harms to some individuals and may be considered as offences against the state.
10. Legislation refers to the law created by the Parliament under the powers granted by the Federal Constitution.
11. Sir John William Salmond defined law as ‘the body of principles recognised and applied by the state in the administration of justice’.
12. The High Court has the jurisdiction to pass a death sentence in a case involving drug trafficking.
13. Certain civil proceedings such as divorce and bankruptcy can only be heard by the High Court regardless whether the amount claimed is more or less than RM1,000,000-00.

Continued...

14. Article 130 of the Federal Constitution provides that the Yang Dipertuan Agong may refer to the Court of Appeal for its opinion on any question as to the effect of any provision of this Constitution which has arisen or appears to him likely to arise.
15. The Magistrates Court only has original jurisdiction.

SECTION B: MULTIPLE CHOICE QUESTIONS [20 MARKS]

Instruction: Answer **ALL** questions. Write your answer in the answer booklet provided.

16. Shane proposes to sell his car to Dan and Dan accepts. Which of the following best describes their relationship?
- A. Proposer, acceptor.
 - B. Proposer, acceptee.
 - C. Proposer, proposee.
 - D. Promisor, promisee.
17. Carlill v Carbolic Smoke Ball Company is a case on _____.
- A. offer can be made to the general public or world at large.
 - B. bilateral offer
 - C. invitation to treat
 - D. auction
18. The followings are true about proposal **EXCEPT**:
- A. It must be in writing.
 - B. It must be communicated.
 - C. It must be definite.
 - D. It can be revoked or withdrawn.
19. The followings are examples of invitation to treat **EXCEPT**:
- A. Goods on the supermarket shelf.
 - B. Goods displayed in window.
 - C. Goods on hire.
 - D. Advertisements.

Continued...

20. There is a presumption in the following circumstances that parties intend to create legal relations in the following agreements **EXCEPT**:

- A. Jeff promises his wife Alice a sum of RM5,000-00 monthly.
- B. Ivan promises to sell his guitar to Kelvin for RM3,000-00.
- C. Shahmini proposes to sell her car to Theresa for RM70,000-00. Theresa pays a deposit of RM10-00.
- D. Alam offers to sell his laptop to Jeanne for RM2,000-00. The laptop is being delivered by DHL from Penang.

21. Which of the following is the element of a contract?

- A. Invitation to treat.
- B. Uncertain terms.
- C. Unlawful objects.
- D. Offer.

22. Prema offers to sell her Ipad to her coursemate, Hari for the sum of RM1,000-00. Hari informs her that "I will pay you RM1,000-00 when my father sends me the money." The following statement best describes this situation.

- A. There is a contract as there is valid offer and acceptance.
- B. The contract will be formed when Hari's father sends him the money.
- C. There is no contract as neither the offer nor the acceptance are in writing.
- D. There is no contract as the acceptance is not absolute.

23. Which of the following statements is **FALSE**?

- A. Undue influence makes a contract voidable.
- B. Mistake of foreign laws not in force in Malaysia does not affect the validity of a contract.
- C. Fraud involves the making of a false statement which the party making it does not believe it to be true.
- D. Misrepresentation is where a person makes a false statement which the party making it believes it to be true.

24. A proposal is in _____ form when it is made orally or in writing.

- A. written
- B. express
- C. implied
- D. conduct

Continued...

25. These agreements are valid even though it was made without consideration
EXCEPT:

- A. Agreement to pay a debt.
- B. Agreement to compensate.
- C. Agreement to pay a statute-barred debt.
- D. Agreement made on account of natural love and affection.

SECTION C: ESSAY [50 MARKS]

Instruction: Answer **ALL** questions. Write your answer in the answer booklet provided.

QUESTION 1 [15 MARKS]

Briefly explain the effect of the validity of a scholarship agreement entered into by a minor with the Government of Malaysia. Support your answer with relevant authorities.

(15 marks)

QUESTION 2 [20 MARKS]

Briefly explain the following:

- a. Consideration need not be adequate (10 marks)
- b. Consideration may come from a Third Party (10 marks)

[Total: 20 marks]

QUESTION 3 [9 MARKS]

Do you agree that goods display in a shop is an invitation to treat? Support your answer with reasons.

(9 marks)

QUESTION 4 [6 MARKS]

Explain types of agent and their extent of authority.

(6 marks)

End of Paper